



32692

Customer Number

Patent
Docket No.: 58981US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YOLLA B. LEVITT and MATTHEW T. SCHOLZ

Serial No.: 10/687,340
Filed: October 17, 2003

For: SURFACTANT COMPOSITION
HAVING STABLE
HYDROPHILIC CHARACTER

Group Art Unit: 1755

Examiner: T. Kugel

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

November 23, 2005

Date

Signature

Judy L. Hansen
Judy L. Hansen

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

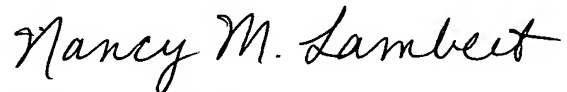
In response to the Office Action dated November 10, 2005, in which the Examiner applied a restriction requirement to Claims 1-24 and 26 (Group I); Claim 25 (Group II) and Claims 27-29 (Group III). Applicants elect to prosecute Claims 1-24 and 26 (Group I) without traverse.

In addition, the Examiner requires the election of a single disclosed species among the Markush-type list of surfactant components in claims 6 and 18; and among the Markush-type list of stabilizer components in claims 10 and 21. Applicants elect the surfactant component of claim 7 and the stabilizer component of claim 11 with traverse.

The Examiner is requested to note that MPEP 809.02 provides that "when a generic claim is subsequently held to be allowable . . . and all claims are embraced by an allowable generic claim . . . Applicants should be advised of the allowable generic claim and that the claims to the non-elected species are no longer withdrawn since they are fully embraced by the allowed generic claim." Thus, the election to claims 7 and 11 is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants also traverse on the grounds that the generic claims of 6, 18, 10 and 21 includes sufficiently few related species that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

If a telephonic interview with the Applicants' undersigned representative would be helpful in resolving any questions, the Examiner is invited to contact the undersigned at (651) 733-2180.

Respectfully submitted,



Nancy M. Lambert
Registration No. 44,856
Attorney for Applicants

NML:jlh/#60815 - Resp to Restriction Requirement
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
(651) 733-2180
Facsimile: (651) 736-3833

Dated: *November 23, 2005*